

This chapter is designed to provide guidelines for the processing of Section 504 complaints alleging discrimination based on disability filed against the department or local agencies with the U.S. Department of Justice (USDOJ).

Any department employee or individual who believes that they have been discriminated against on the basis of their disability may file a complaint with the U.S. Department of Justice.

The department is committed to resolving Section 504 complaints in a timely and professional manner. The individuals representing the department will maintain a professional and cooperative attitude with the U.S. Department of Justice at all times.

Procedures

<i>Action By</i>	<i>Action</i>
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Diversity Program Administrator	
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| | <ol style="list-style-type: none">1. Receives written complaint from USDOJ or via their designee.2. Analyzes complaint to determine jurisdiction.3. Assigns case to appropriate Human Resource Consultant for action. |
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Secretary Senior	
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| | <ol style="list-style-type: none">1. Receives written complaint, stamps date, logs receipt, prepares case file.2. Provides copy of complaint to Human Resource Consultant. |
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Human Resource Consultant	
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	For complaints filed against the Washington State Department of Transportation (WSDOT):
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| | <ol style="list-style-type: none">1. Contact the appropriate administrative officer to coordinate the department's response.2. Schedule interview with respondent within 15 days or receipt of complaint.3. Review complaint with respondent. Obtain respondent's input as to the department's position.4. Obtain documentation (if any) supporting department's response. |
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5. Interview additional witnesses, if necessary, to confirm department's response.
6. Prepare department's response for review and approval of Diversity Program Administrator (DPA) and appointing authority.
7. If investigator believes a cause finding will be determined:
 - a. Notify DPA, department Risk Manager, and appointing authority of reasons for a cause finding. Recommend mediation be requested.
 - b. Contact USDOJ to arrange for mediation. Ensure appointing authority and DPA attend. If settlement may include compensation, ensure the department's Risk Manager attend.
8. If no cause is determined transmit department's response to USDOJ or their designee.
9. After USDOJ assigns an investigator, act as department liaison to coordinate investigation.
10. Attend all interviews involving department managers and supervisors.
11. Provide USDOJ or their designee with all requested documentation.
12. If notified by USDOJ that the investigator is going to issue a cause finding, request time to discuss with department management and arrange for a pre-finding settlement offer.
13. Coordinate settlement efforts with department Risk Manager and USDOJ.

Diversity Program Administrator

1. Reviews and approves/modifies recommendations from HRC.
2. Provides input to the department Employee Relations Manager as to case facts and settlement recommendations.

Human Resource Consultant

1. Finalizes complaint file. Ensures all required documentation is in place.
2. Notifies appointing authority of final outcome of complaint. Provides copies of USDOJ documentation as required.
3. Closes case file and returns to Secretary Administrative for archiving.

For complaints filed against local agencies:

1. Notifies Assistant Secretary, Highways and Local Programs Service Center, of receipt of complaint.
2. Prepares transmittal letter to local agency requesting their response within 30 days.
3. Provide assistance to local agency, if needed, in preparing response.
4. Review local agency response to determine if complaint has been answered and what corrective actions, if required, are being accomplished.
5. Forward local agency response to USDOJ with WSDOT recommendation.

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